IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO: 10551 of 2005 AND
WRIT PETITION NO.10573 OF 2005

WP.10551/2005

Between:

Mohd.Basheeruddin Farooqui, s/o Mohd.Mazharuddin Farooqui,
r/o Plot No.9, Attapur Village, H/o Mir Sagar, Rajendranagar Mandal, Ranga Reddy District.

... PETITIONER

AND

1. The Commissioner, Municipal Corporation of Hyderabad,
Tankbund Road, Hyderabad.
2. The District Collector, Ranga Reddy District,
Office at Lakdikapool, Hyderabad.
3. The Mandal Revenue Officer, Rajendranagar Mandal,
Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in attempting to demolish the structures and dispossessing me from the land admeasuring 400 Square yards in Survey No.29 and 32/2 vide plot No.9 of Attapur Village, H/o Mir Sagar, Rajendranagar Mandal, Ranga Reddy District is illegal, arbitrary and in violation of the principles of natural justice, and consequently to direct the respondents not to take any coercive steps to demolish the structures made on my land without

following due course of law.

WP. 10573/ 2005

Between:

Saleh Bin Ahmed, S/o Ahmed Bin Omer,
r/o Plot No.7, Attapur Village, H/o Mir Sagar, Rajendranagar Mandal,
Ranga Reddy District.

... PETITIONER

AND

1. The Commissioner, Municipal Corporation of Hyderabad,
   Tankbund Road, Hyderabad.
2. The District Collector, Ranga Reddy District,
   Office at Lakdikapool, Hyderabad.
3. The Mandal Revenue Officer, Rajendranagar Mandal,
Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in attempting to demolish the structures and dispossessing the petitioner from the land admeasuring 405 square yards in Survey No. 29 and 32/2 vide Plot No.7 of Attapur Village, H/o Mir Sagar, Rajendranagar Mandal, Ranga Reddy District is illegal, arbitrary and in violation of the principles of natural justice, and consequently to direct the respondents not to take any coercive steps to demolish the structures made on petitioner's land without following due course of law.

Counsel for the Petitioner: MR. MOHD. MOIN AHMED QUADRI

IN BOTH THE PETITIONS

Counsel for the Respondent No.1: MR. GHANTA RAMA RAO.

IN BOTH THE PETITIONS

Counsel for the Respondents 2 & 3.: GP FOR REVENUE

IN BOTH THE PETITIONS

The Court at the stage of admission made the following:

COMMON ORDER: -

These writ petitions are filed seeking *mandamus* declaring the action of the respondents in attempting to demolish the structures and dispossessing the petitioners from the land admeasuring 400 and 405 square yards respectively in Survey No. 29 and 32/2 vide
Plot Nos.9 and 7 of Attapur Village, H/o Mir Sagar, Rajendranagar Mandal, Ranga Reddy District as illegal, arbitrary and in violation of the principles of natural justice, and consequently direct the respondents not to take any coercive steps to demolish the structures made on petitioners' lands without following due process of law.

2. Petitioners, who claim to be the owners and possessors of lands admeasuring 400 and 405 square yards vide Plot Nos. 9 and 7 respectively in Sy.Nos.29 and 32/2 of Attapur village, H/o Mir Sagar, Rajendranagar Mandal, Ranga Reddy District, state that they purchased the said properties under two separate registered sale deeds dated
07-07-1989 and 19-02-1990.

3. The common grievance of both the petitioners is that on
25-04-2005 the respondents along with Police came to their houses and attempted to demolish the structures raised by them on the ground that they constructed compound walls without obtaining necessary permission from the Municipal Corporation authorities as provided under the building Bye-laws and without following due process of law.

4. Learned Standing Counsel for the first respondent submitted that before starting any construction, the petitioners are under obligation to obtain necessary permission

from the first respondent, as provided under the Hyderabad Municipal Corporation Act.

5. Having regard to these circumstances and inasmuch as the petitioners have constructed compound walls without obtaining any permission from the municipal authorities, this Court cannot interfere in such type of cases. However, it is open to the petitioners to approach the municipal authorities either for regularization or for obtaining necessary building permission in accordance with law.

6. The writ petitions are accordingly disposed of at the admission stage. No order as to costs.

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ELIPE DHARMA RAO, J

Dt.24-06-2005

GLV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Commissioner, Municipal Corporation of Hyderabad,
   Tankbund Road, Hyderabad.
2. The District Collector, Ranga Reddy District,
   Office at Lakdikapool, Hyderabad.
3. The Mandal Revenue Officer, Rajendranagar Mandal,
Ranga Reddy District.
4. Two CCs. to the Government Pleader for Revenue,
High Court Buildings, Hyderabad. (OUT).
5. Two CD Copies.

*Form-NIC-OGS/WP{**AVLR**}*

*Form-NIC-OGS/WP{**RS**}*